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JOHN M. PELKEY
ADMITTED IN D.C. ONLY

October 30, 1992

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

OUR FILE NO.
1057-101

Re: Amendment of Section 73.202(b)
Sunrise Beach, Missouri

Dear Ms. Searcy:

Transmitted herewith on behalf of Raymond Lee Wheeler and Sarah Wheeler are an original and four copies of a Petition for Rulemaking.

No filing fee need accompany this Petition. If there are any questions concerning this matter, please contact this office directly.

Sincerely yours,


John M. Pelkey

JMP/lgs

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OCT '30 1992

Before The

Federal Communications Commission FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554 OFFICE OF THE SECRETARY

In re)
)
Amendment of Section 73.202(b)) MM Docket No. 92-
Table of Allotments,) RM-_____
FM Broadcast Stations)
(Sunrise Beach, Missouri))

TO: The Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

PETITION FOR RULEMAKING

R. Lee and Sarah Wheeler, husband and wife ("Wheeler"), through counsel, hereby request the Commission to institute a rulemaking proceeding to amend Section 73.202(b) of the Commission's Rules, the Table of FM Allotments, so as to allot Channel 265 C3 to Sunrise Beach, Missouri, as that community's first local FM service.

I. ARGUMENT

1. Sunrise Beach, Missouri is an incorporated city of 181 persons. It has its own municipal government and its own police department. It is served by the Sunrise Beach Volunteer Fire Department and has its own post office and zip code (65079). It is separately listed in the 1990 U.S. Census. Located as it is on the Lake of the Ozarks, a popular recreational and vacation area, it is part of a growing region. Sunrise Beach straddles both Camden and Morgan Counties. Camden County, which has a population of 27,495 persons

according to the 1990 census, has seen a nearly 37 percent increase in population in the last ten years. Morgan County has a population of 15,574 persons according to the 1990 census. In addition to its 181 permanent residents, Sunrise Beach also has 145 privately-owned “seasonal or recreational use” residences within the city’s corporate limits. Sunrise Beach is also in the process of incorporating a large area to the south of the city. Sunrise Beach has no broadcast outlets, however.

2. Wheeler has determined that Channel 265 C3 can be allotted to the city of Sunrise Beach as its first local FM service. An engineering study of the proposed allocation, demonstrating compliance of the proposal with the technical standards for allocating a new channel, is included with this petition as Exhibit 1. The proposed Channel 265 C3 allotment can be awarded to Sunrise Beach in full compliance with the FM spacing rules by imposing a slight, 4.8 km Southwest, site restriction from the Sunrise Beach reference coordinates as listed in the National Atlas of the United States of America. Sunrise Beach is listed as 38 11’ 10” N; 92 46’ 24” W. The reference coordinates provided in this petition are at the approximate center of the open area and are 38 05’ 30” N; 92 54’ 40” W. No other full service broadcasters are affected by this proposal and operation from anywhere within the entire open area would provide city grade service levels as set forth in Section 73.315 of the Rules.

3. If the Commission amends the FM Table of Allotments as requested herein, Wheeler will promptly file an application for construction permit, will promptly construct the facilities, will place those

facilities into operation, and will seek a license covering the Sunrise Beach facility.

4. Allotting Channel 265 C3 to Sunrise Beach would permit Sunrise Beach to receive its first local FM channel. Favorable action on the Wheeler proposal would thus be in the public interest.

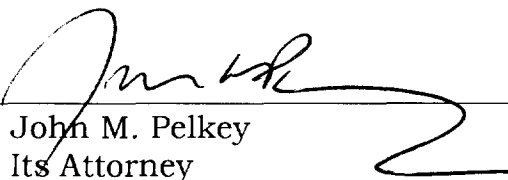
II. CONCLUSION

For the reasons stated above, the public interest will be served by the allotment of Channel 265 C3 to Sunrise Beach, Missouri as its first local FM service. Accordingly, Wheeler respectfully requests the Commission institute a rulemaking proceeding that would amend the FM Table of Allotments as follows:

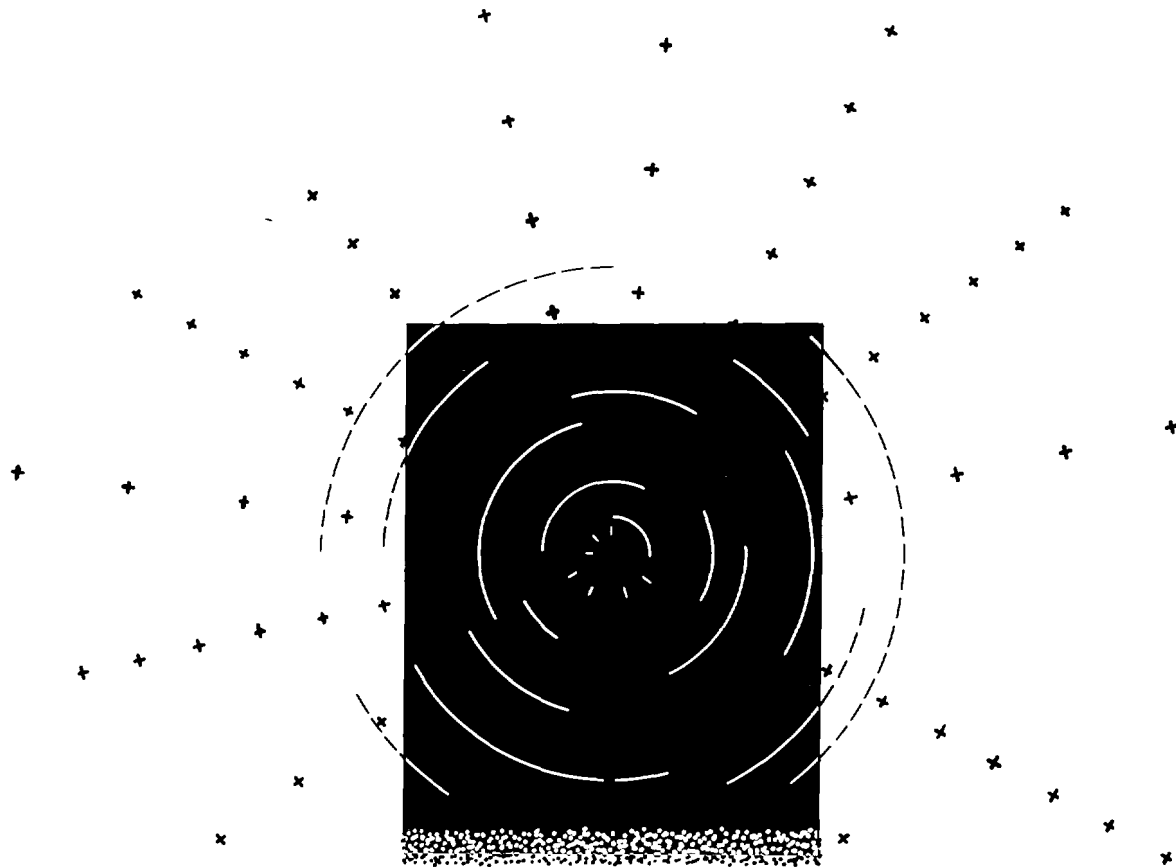
| <u>City</u> | <u>Present Allotment</u> | <u>Proposed Allotment</u> |
|-------------------|------------------------------|-------------------------------|
| Sunrise Beach, MO | --- | 265 C3 |

Respectfully submitted,

RAYMOND LEE AND
SARAH WHEELER

By: 
John M. Pelkey
Its Attorney

HALEY, BADER & POTTS
Suite 900
4350 North Fairfax Drive
Arlington, VA 22203-1633
(703) 841-0606
October 30, 1992



WHEELER
BROADCAST
CONSULTING

Raymond Lee & Sally Wheeler

Proposed Rule Making
Amend the FM Table of Allotments
Add Channel 265 C3 to Sunrise Beach, Missouri

October, 1992



WHEELER BROADCAST CONSULTING

Engineering Statement

This consultant, on behalf of himself and his wife, has prepared this engineering statement in support of a Proposed Rule Making to amend the FM table of allotments, 47 CFR 73.202 (b), by adding channel 265 C3 to Sunrise Beach, Missouri as its first local service.

The coordinates of Sunrise Beach, Missouri are listed in the National Atlas of the United States of America as follows:

38° 11' 10" N. Latitude
92° 46' 24" W. Longitude

Exhibit 1, included in this report, is a study of the Commission's September 30, 1992 database which indicates that Channel 265 C3 can be allocated to Sunrise Beach with only a slight, 4.8 km S.W. site restriction. The proposed allocation is fully spaced with all co-channel and adjacent channel services save a translator, K265CT, which rebroadcasts KMFC, Centralia, Missouri in Jefferson City, Missouri. As K265CT is a secondary service it has been omitted from consideration in this study as provided in 47 CFR 73.207.

3718 W. 52nd TERRACE
SHAWNEE MISSION, KS.
66205 913.831.1622

Exhibit 2, also included in this report, is a copy of the Jefferson City, USGS 1:250,000 topographic map which indicates a wide area in which to locate a suitable transmitting facility.

Sunrise Beach, Missouri

Sunrise Beach is located in Camden and Morgan Counties and has an area of 3.0 sq km and a population of 181 persons according to the 1990 US Census. Camden County has a population of 27,495 persons (1990 US Census) and Morgan County has a population of 15,574 persons (1990 US Census). Both Camden County and Morgan County are undergoing unprecedented growth, Camden county alone has seen nearly a 37% increase in population over the last 10 years. Sunrise Beach is located on The Lake of the Ozarks which is an immensely popular, year round, vacation destination. In addition to the 181 full time residents in Sunrise Beach, there are 145 privately owned "Seasonal or Recreational Use" residences within the corporate boundaries of the city. Sunrise Beach is in the process of annexing a large area to its south, which obviously positions the city for even further growth.

Lake of the Ozarks

The Lake of the Ozarks is over 126 miles long, with a surface area over 60,000 acres, and has a larger shore line than the state of California or Lake Michigan. The Lake of the Ozarks is visited by over 3 million tourists and vacationers annually, according to estimates from the Lake Area Chamber of Commerce, and that number continues to grow.

Certification

All information contained in this report is true and accurate to the best of my belief. Having had numerous matters before the Commission, my qualifications are a matter of record.

10/24/42
Date


R. Lee Wheeler

WHEELER BROADCAST CONSULTING
3718 W. 52nd Terrace - Shawnee Mission KS. 66205

Sunrise Beach, Missouri
Channel 265 C3 Study

| | | |
|------------------------------------|------------------------|-----------------|
| REFERENCE | | DISPLAY DATES |
| 38 05 30 N | CLASS C3 | DATA 09-30-92 |
| 92 54 40 W | Current rules spacings | SEARCH 10-21-92 |
| ----- CHANNEL 265 -100.9 MHz ----- | | |

| CALL TYPE | CH# LAT | CITY LNG | STATE PWR | BEAR' HT | D-KM D-Mi | R-KM R-Mi | MARGIN (KM) |
|--------------------------------------|------------|----------------|--------------|-------------|---------------------|--------------|----------------|
| K265CT | 265D | Jefferson City | MO | 52.2 | 77.31 | 93.0 | -15.69 * |
| LI HN | 38 31 07 | 92 12 46 | 0.019 kW | OM | 48.0 | 57.8 | |
| Life Sounds, Inc. | | | | | BLFT880204TK | | |
| >TRANSLATOR FOR KMFC, CENTRALIA, MO. | | | | | | | |
| K265CT | 265D | Jefferson City | MO | 50.1 | 79.64 | 93.0 | -13.36 * |
| CP CN | 38 33 08 | 92 12 46 | 0.250 kW | OM | 49.5 | 57.8 | |
| Life Sounds, Inc. | | | | | BPFT911227TA 931230 | | |
| >Translator for KMFC, Centralia, MO | | | | | | | |
| KTXR.C | 267C | Springfield | MO | 181.2 | 99.60 | 96.0 | 3.60 |
| CP CY | 37 11 40 | 92 56 04 | 100.000 kW | 360M | 61.9 | 59.7 | |
| Stereo Broadcasting, Inc. | | | | | BPH911129IB 930925 | | |
| KTXR | 267C | Springfield | MO | 181.2 | 99.60 | 96.0 | 3.60 |
| LI CY | 37 11 40 | 92 56 04 | 100.000 kW | 351M | 61.9 | 59.7 | |
| Stereo Broadcasting, Inc. | | | | | BMLH911009KI | | |
| KMZU | 264C1 | Carrollton | MO | 343.2 | 147.84 | 144.0 | 3.84 |
| LI CN | 39 21 59 | 93 24 12 | 99.000 kW | 302M | 91.9 | 89.5 | |
| Kanza, Inc. | | | | | BLH900917KA | | |
| KTUIFM | 265A | Sullivan | MO | 85.7 | 151.60 | 142.0 | 9.60 |
| LI CN | 38 11 42 | 91 11 12 | 3.000 kW | 84M | 94.2 | 88.3 | |
| Four Rivers Broadcasting Co. | | | | | BLH810223AG | | |
| KARO.A | 268C1 | Columbia | MO | 31.3 | 97.53 | 76.0 | 21.53 |
| AP ZCN | 38 50 34 | 92 19 53 | 100.000 kW | 184M | 60.6 | 47.2 | |
| Columbia FM, Inc. | | | | | BPH920622IG | | |
| >From channel 268C2 per D90-527 | | | | | | | |
| KCFX | 266C1 | Harrisonville | MO | 308.5 | 175.16 | 144.0 | 31.16 |
| LI EN | 39 04 24 | 94 29 06 | 97.000 kW | 303M | 108.9 | 89.5 | |
| Heritage Media Corporation | | | | | BLH900917KC | | |
| KCFX.A | 266C1 | Harrisonville | MO | 308.5 | 175.16 | 144.0 | 31.16 |
| AP CN | 39 04 24 | 94 29 06 | 28.000 kW | 131M | 108.9 | 89.5 | |
| Heritage Media Corporation | | | | | BPH901214II | | |
| KARO.C | 268C2 | Columbia | MO | 34.7 | 94.44 | 56.0 | 38.44 |

WHEELER BROADCAST CONSULTING
 3718 W. 52nd Terrace - Shawnee Mission KS. 66205

CLASS C3

| CALL TYPE | CH# LAT | CITY LNG | STATE PWR | BEAR' HT | D-KM D-Mi | R-KM R-Mi | MARGIN (KM) |
|--------------|-------------------|-------------|--------------|-------------|--------------|--------------|----------------|
| CP ZCN | 38 47 28 | 92 17 43 | 20.000 kW | 184M | 58.7 | 34.8 | |
| | Columbia FM, Inc. | | | | BPH890921ID | 921027 | |
| ALOPEN | 268C1 | Columbia | MO | 22.1 | 114.78 | 76.0 | 38.78 |
| AL N | 39 03 00 | 92 25 00 | 0.000 kW | 0M | 71.3 | 47.2 | |

>Effective 5-15-92-Reserved for KARO per D90-527

Exhibit 2